



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB5934

by Rep. Robyn Gabel

#### SYNOPSIS AS INTRODUCED:

See Index

Creates the Advisory Board for the Maternal and Child Health Block Grant Programs Act. Establishes the Advisory Board for the Maternal and Child Health Block Grant Programs under the Department of Public Health. Creates the Board. Requires the Board to advise the Director of Public Health and make recommendations to the Department and Governor regarding maternal and child health matters. Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. Transfers authority over the Title V Maternal and Child Health Services Block Grant, Title X Family Planning Program award, and maternal and child health programs to the Department of Public Health. Transfers all relevant rights and duties, rules and rulemaking powers, personnel, property, records, and revenue allocations to the Department of Public Health. Amends the Illinois Family Case Management Act. Removes references to the Maternal and Child Health Advisory Board. Amends the Hearing Screening for Newborns Act. Changes the short title to the Early Hearing Detection and Intervention Act. Makes changes regarding which hospitals are required to conduct and report infant hearing tests. Requires the Department of Public Health to maintain a registry of cases documenting newborn hearing tests and intervention. Transfers rulemaking power under the Act from the Department of Human Services to the Department of Public Health. Repeals provisions concerning certain hospital reports to the Department and the hearing screening advisory committee. Amends the Prenatal and Newborn Care Act. Corrects a cross-reference to the Maternal and Child Health Advisory Board. Amends the Developmental Disability Prevention Act. Authorizes the Department of Public Health to determine funding needs for high-risk pregnancy programs. Effective immediately.

LRB099 16773 MJP 41118 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Advisory Board for the Maternal and Child Health Block Grant  
6 Programs Act.

7 Section 5. Legislative findings and purpose. The General  
8 Assembly finds the following:

9 (1) The people of Illinois continue to experience and  
10 bear the consequences of unacceptable rates of low birth  
11 weight, infant mortality, maternal mortality, child and  
12 adolescent health problems, including obesity and teen  
13 pregnancy, and disparities among racial and ethnic groups  
14 with regard to maternal and child health.

15 (2) The resolution of these challenges requires an  
16 approach that considers the health of the entire population  
17 and directs resources to high-risk groups based on  
18 epidemiological analysis in order to prevent disability,  
19 disease, death, or other adverse circumstance, or what may  
20 be termed a public health approach.

21 (3) The General Assembly began the transfer of maternal  
22 and child health programs from the Department of Human  
23 Services to the Department of Public Health through the

1 budget for State fiscal year 2014.

2 Therefore, it is the purpose of the new and amendatory  
3 provisions of this Act to complete the transfer of programs and  
4 responsibility for direction of Illinois' maternal and child  
5 health efforts to the Department of Public Health and to  
6 complete the transfer of certain statutory authority and  
7 regulations, appropriations, programs, property, and  
8 personnel, including the personnel, hardware, and software for  
9 principal management information systems, from the Department  
10 of Human Services to the Department of Public Health, which has  
11 already begun through the budget for State fiscal year 2016.

12 Section 10. Definitions. As used in this Act:

13 "Board" means the Advisory Board for the Maternal and Child  
14 Health Block Grant Programs.

15 "Department" means the Department of Public Health.

16 "Director" means the Director of Public Health.

17 Section 15. Advisory Board for the Maternal and Child  
18 Health Block Grant Programs.

19 (a) The Advisory Board for the Maternal and Child Health  
20 Block Grant Programs is created within the Department to advise  
21 the Department on programs and activities related to maternal  
22 and child health in the State of Illinois.

23 The Board shall consist of the Director's designee  
24 responsible for maternal and child health programs, who shall

1 serve as the Chair of the Board; the Department's Title V  
2 administrator, if the Director's designee is not serving in the  
3 capacity of Title V Director at the Department; one  
4 representative each from the Department of Children and Family  
5 Services, the Department of Human Services, and the Department  
6 of Healthcare and Family Services, appointed by the Director or  
7 Secretary of each Department; the Director of the University of  
8 Illinois at Chicago's Division of Specialized Care for  
9 Children; 4 members of the General Assembly, one each appointed  
10 by the President and Minority Leader of the Senate and the  
11 Speaker and Minority Leader of the House of Representatives;  
12 and 20 additional members appointed by the Director.

13 Of the members appointed by the Director:

14 (1) Two shall be physicians licensed to practice  
15 medicine in all of its branches who currently serve  
16 patients enrolled in maternal and child health programs  
17 funded by the State of Illinois, one of whom shall be an  
18 individual with a specialty in obstetrics and gynecology  
19 and one of whom shall be an individual with a specialty in  
20 pediatric medicine;

21 (2) Sixteen shall be persons with expertise in one or  
22 more of the following areas, with no more than 3 persons  
23 from each listed area of expertise and with preference  
24 given to the areas of need identified by the most recent  
25 State needs assessment: the health of women, infants, young  
26 children, school-aged children, adolescents, and children

1 with special health care needs; public health;  
2 epidemiology; behavioral health; nursing; social work;  
3 substance abuse prevention; juvenile justice; oral health;  
4 child development; chronic disease prevention; health  
5 promotion; and education; 5 of the 16 members shall  
6 represent organizations that provide maternal and child  
7 health services with funds from the Department; and

8 (3) either 2 consumers who have received services  
9 through a Department-funded maternal and child health  
10 program, 2 representatives from advocacy groups that  
11 advocate on behalf of such consumers, or one such consumer  
12 and one such representative of an advocacy group.

13 Members appointed by the Director shall be selected to  
14 represent the racial, ethnic, and geographic diversity of the  
15 State's population and shall include representatives of local  
16 health departments, other direct service providers, and  
17 faculty of the University of Illinois at Chicago School of  
18 Public Health Center of Excellence in Maternal and Child  
19 Health.

20 Legislative members shall serve during their term of office  
21 in the General Assembly. Members appointed by the Director  
22 shall serve a term of 4 years or until their successors are  
23 appointed.

24 Any member appointed to fill a vacancy occurring prior to  
25 the expiration of the term for which his or her predecessor was  
26 appointed shall be appointed for the remainder of such term.

1 Members of the Board shall serve without compensation but shall  
2 be reimbursed for necessary expenses incurred in the  
3 performance of their duties.

4 (b) The Board shall advise the Director on improving the  
5 well-being of mothers, fathers, infants, children, families,  
6 and adults, considering both physical and social determinants  
7 of health, and using a life-span approach to health promotion  
8 and disease prevention in the State of Illinois. In addition,  
9 the Board shall review and make recommendations to the  
10 Department and the Governor in regard to the system for  
11 maternal and child health programs, collaboration, and  
12 interrelation between and delivery of programs, both within the  
13 Department and with related programs in other departments. In  
14 performing its duties, the Board may hold hearings throughout  
15 the State and advise and receive advice from any local advisory  
16 bodies created to address maternal and child health.

17 (c) The Board may offer recommendations and feedback  
18 regarding the development of the State's annual Maternal and  
19 Child Health Services Block Grant application and report as  
20 well as the periodic needs assessment.

21 Section 90. The Department of Public Health Powers and  
22 Duties Law of the Civil Administrative Code of Illinois is  
23 amended by adding Section 2310-450 as follows:

24 (20 ILCS 2310/2310-450 new)

1       Sec. 2310-450. Office for maternal and child health.

2       (a) The Department shall be responsible for administration  
3 of the Maternal and Child Health Services Block Grant  
4 authorized by Title V of the federal Social Security Act. The  
5 Department shall be responsible for maternal and child health  
6 programs and for preparation and submission of the annual  
7 application, annual report, and periodic needs assessment  
8 required for the receipt of these funds.

9       (b) The Department shall be responsible for the  
10 administration of the Family Planning Program award to the  
11 State of Illinois from Title X of the federal Public Health  
12 Service Act (42 U.S.C. 300).

13       (c) All of the rights, powers, duties, and functions vested  
14 by law or that otherwise pertain to the programs and services  
15 transferred to the Department by this amendatory Act of the  
16 99th General Assembly are transferred to the Department by July  
17 1, 2016.

18       (d) The Department may adopt rules necessary to implement  
19 this Section. This Section does not affect the legality of any  
20 rules that are in force on the effective date of this Section  
21 that have been duly adopted by the Department of Human Services  
22 in its administration of the Maternal and Child Health Services  
23 Block Grant. Those rules shall transfer to the Department and  
24 continue in effect until amended or repealed, except that  
25 references to a predecessor department shall, in appropriate  
26 contexts, be deemed to refer to the successor department under

1 this Section. Any rules proposed prior to the effective date  
2 shall also transfer to the Department.

3 (e) Personnel employed by the Department of Human Services'  
4 Division of Family and Community Services who are employed in  
5 the programs and services transferred by this amendatory Act of  
6 the 99th General Assembly, including any nursing or performance  
7 management services, are transferred to the Department by July  
8 1, 2016.

9 (f) The rights of State employees, the State, and its  
10 agencies under the Personnel Code and applicable collective  
11 bargaining agreements and retirement plans are not affected by  
12 this Section.

13 (g) The Department of Central Management Services shall  
14 establish a sufficient number of full-time positions at the  
15 Department, based on a review of at least 5 years of the  
16 Department of Human Services' official time study records, in  
17 order to provide for effective administration of these  
18 programs, and, if necessary, effect a corresponding decrease in  
19 authorized positions in the Department of Human Services, in  
20 order to effect this transfer by July 1, 2016.

21 (h) All books, records, documents, property (real and  
22 personal), including office space, unencumbered  
23 appropriations, and pending business pertaining to the rights,  
24 powers, duties, and functions transferred to the Department  
25 under this Section shall be transferred and delivered to the  
26 Department by July 1, 2016.

1       (i) All of the general revenue funds, other State funds,  
2 and federal funds authorized for use by and for programs and  
3 services transferred to the Department by this amendatory Act  
4 of the 99th General Assembly shall be transferred and delivered  
5 to the Department by July 1, 2016.

6       (j) In the case of books, records, or documents that  
7 pertain both to a function transferred to the Department under  
8 this Section and to a function retained by a predecessor agency  
9 or office, the Director and the Secretary of Human Services  
10 shall determine whether the books, records, or documents shall  
11 be transferred, copied, or left with the predecessor agency or  
12 office; until this determination has been made, the transfer of  
13 these materials shall not take effect.

14       (k) In the case of property or an unexpended appropriation  
15 that pertains both to a function transferred to the Department  
16 under this Section and to a function retained by the Department  
17 of Human Services, the Director of Public Health and the  
18 Secretary of Human Services shall determine whether the  
19 property or unexpended appropriation shall be transferred,  
20 divided, or left with the predecessor agency or office; until  
21 this determination has been made (and, in the case of an  
22 unexpended appropriation, notice of the determination has been  
23 filed with the State Comptroller), the transfer shall not take  
24 effect.

25       (l) In the case of administrative functions performed by  
26 other units within the Department of Human Services and for the

1 allocation of State or federal funds that benefited the  
2 programs transferred by this amendatory Act of the 99th General  
3 Assembly as well as other divisions within the Department of  
4 Human Services, the Director of Public Health and the Secretary  
5 of Human Services shall establish interagency agreements to  
6 continue these services and distribute these funds after July  
7 1, 2016.

8 (410 ILCS 212/20 rep.)

9 (410 ILCS 212/25 rep.)

10 Section 95. The Illinois Family Case Management Act is  
11 amended by repealing Sections 20 and 25.

12 Section 100. The Hearing Screening for Newborns Act is  
13 amended by changing Sections 1, 5, 15, and 30 as follows:

14 (410 ILCS 213/1)

15 Sec. 1. Short title. This Act may be cited as the Early  
16 Hearing Detection and Intervention ~~Hearing Screening for~~  
17 ~~Newborns~~ Act.

18 (Source: P.A. 91-67, eff. 7-9-99.)

19 (410 ILCS 213/5)

20 Sec. 5. Mandatory hearing screening. All ~~By December 31,~~  
21 ~~2002,~~ all hospitals performing deliveries, including birthing  
22 and non-birthing facilities and home births, shall conduct

1 hearing screening of all newborn infants prior to discharge and  
2 report hearing screening results for each child to the  
3 Department of Public Health.

4 (Source: P.A. 91-67, eff. 7-9-99.)

5 (410 ILCS 213/15)

6 Sec. 15. Department of Public Health to maintain registry  
7 of cases. The Illinois Department of Public Health shall  
8 maintain a registry of cases documenting screening, diagnosis,  
9 and intervention of positive hearing screening results,  
10 including information needed for the purpose of follow-up  
11 services.

12 (Source: P.A. 91-67, eff. 7-9-99.)

13 (410 ILCS 213/30)

14 Sec. 30. Rules. The Department of Public Health ~~Human~~  
15 ~~Services~~ shall adopt ~~promulgate~~ rules necessary to implement  
16 this Act.

17 (Source: P.A. 91-67, eff. 7-9-99.)

18 (410 ILCS 213/10 rep.)

19 (410 ILCS 213/20 rep.)

20 Section 105. The Hearing Screening for Newborns Act is  
21 amended by repealing Sections 10 and 20.

22 Section 110. The Prenatal and Newborn Care Act is amended

1 by changing Section 7 as follows:

2 (410 ILCS 225/7) (from Ch. 111 1/2, par. 7027)

3 Sec. 7. Advisory board consultation. The Department shall  
4 consult with the Maternal and Child Health Advisory Board  
5 ~~created~~ under the Advisory Board for the Maternal and Child  
6 Health Block Grant Programs Act ~~Illinois Family Case Management~~  
7 ~~Act~~ regarding the implementation of this program. In addition,  
8 the Board shall advise the Department on the coordination of  
9 services provided under this program with services provided  
10 under the Illinois Family Case Management Act and the Problem  
11 Pregnancy Health Services and Care Act.

12 (Source: P.A. 94-407, eff. 8-2-05.)

13 Section 115. The Developmental Disability Prevention Act  
14 is amended by changing Section 8 as follows:

15 (410 ILCS 250/8) (from Ch. 111 1/2, par. 2108)

16 Sec. 8. The Department of Public Health, in cooperation  
17 with the Department of Human Services, shall establish  
18 guidelines for the development of areawide or local programs  
19 designed to prevent high risk pregnancies through early  
20 identification, screening, management, and followup of the  
21 childbearing age high risk female. Such programs shall be based  
22 on the local assessment typically by schools, health  
23 departments, hospitals, perinatal centers, and local medical

1 societies of need and with emphasis on the coordination of  
2 existing resources private and public and in conjunction with  
3 local health planning agencies. Funding needs for  
4 demonstration and continuing programs shall be determined by  
5 the Department of Human Services and Department of Public  
6 Health under their respective programs and reported to the  
7 General Assembly along with the guidelines for such programs.

8 (Source: P.A. 89-507, eff. 7-1-97.)

9 Section 999. Effective date. This Act takes effect upon  
10 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 20 ILCS 2310/2310-450 new

5 410 ILCS 212/20 rep.

6 410 ILCS 212/25 rep.

7 410 ILCS 213/1

8 410 ILCS 213/5

9 410 ILCS 213/15

10 410 ILCS 213/30

11 410 ILCS 213/10 rep.

12 410 ILCS 213/20 rep.

13 410 ILCS 225/7 from Ch. 111 1/2, par. 7027

14 410 ILCS 250/8 from Ch. 111 1/2, par. 2108